

from the death of the intestate, as provided by the act of 1849, ch. 224. Therefore, the period of eighteen months from the 15th of March, 1850, when, according to the testimony of Dr. Worthington, Mr. Dorsey died, is not to be computed, so far as the real assets are concerned. The item for cash paid Peter Gorman is barred, and must be rejected, so far as relates to the creditors who have relied on limitations.

The claim of Margaret G. Warfield appears to me to be proved, and the depositions of John Warfield and Seth W. Warfield remove the bar of the act of limitations. Rinaldo W. Dorsey acknowledged his indebtedness to Margaret G. Warfield in 1849, and the petition was filed in February, 1853, four years subsequently, but as with reference to the proceeds of real estate the operation of the statute must be suspended for the period of eighteen months from the death of the intestate the claim is saved.

The claims of Ann Pierse are proved. That founded on the single bill, it is admitted, is not barred. But in stating the claim of Ann Pierse, the Auditor will only charge the estate of the deceased, Rinaldo W. Dorsey, with the amount of the single bill, and the sums which appear by his own receipts to have been received by him of Mr. Mayer. Margaret G. Warfield was present when the single bill was executed on the 1st of October, 1849, when Dorsey admitted he owed Mrs. Pierse other moneys. This protects the claim from the plea of limitations as to the real estate, in view of the operation of the act of 1849, before referred to.

There is nothing in the proofs showing error in the administration accounts, or requiring the administratrix to be debited with any further sum except the amount received on the note of Slothower, which, according to the answer of the administratrix was delivered by the deceased to George L. Stockett. The circumstances stated in the answer do not amount to a gift *inter vivos* or *causa mortis*, and consequently the money collected on that note and now remaining in bank, must be accounted for.

J. T. B. DORSEY, for Petitioners.
STOCKETT, for Respondents.